

REMARKS

Reconsideration of the application is respectfully requested.

The Office Action advises that Applicant's previous arguments are persuasive, and withdraws the rejection based on anticipation by the Schmidt reference. However, the Examiner alleges that the difference between Schmidt and the pending claims are obvious.

With respect, Applicant traverses the obviousness rejection. As stated by the Examiner, one difference between the Schmidt reference and the pending claims is the position of the layers. In claim 1, the coarse particle layer, ie. the stress relief layer, is sandwiched between the two fine layers. However, in Schmidt, the coarse particle layer is one of the outer layers.

This difference is not trivial, and is submitted to be patentable. As described in the specification, the position of the coarse layer is important. The fine layers provide the necessary interface with the fuel cell itself, and the interconnect (see page 8, lines 17-21) which remains intact. A coarse particle layer does not provide the same interface with those other components. When the coarse particle layer positioned according to claim 1 fractures, the fine layer interfaces remain intact. In contrast, in the Schmidt reference, if the coarse layer fractures, the interface with another component is disrupted and operation of the fuel cell may suffer. There is no teaching in any of the cited prior art which provides or suggests this functionality.

Therefore, it is respectfully submitted that the relative position of the stress relief coarse layer is not an obvious variation of the configuration taught by Schmidt. It is respectfully submitted that this application is in condition for allowance and allowance thereof is respectfully requested.

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Respectfully submitted,

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